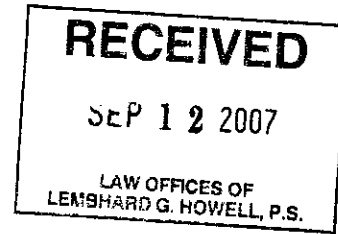


The Honorable Thomas S. Zilly



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

AARON CLAXTON,

Plaintiff,

v.

THE CITY OF SEATTLE, a municipal
corporation; SEATTLE POLICE
DEPARTMENT; and SEATTLE POLICE
OFFICER DYMENT; and SEATTLE
POLICE OFFICER SAUSMAN,

Defendants.

NO. C07-0491

REQUESTS FOR ADMISSION

Defendant the City of Seattle, pursuant to FED. R. CIV. P. 26 and 36, requests that the plaintiff admit or deny, or specifically state in detail why plaintiff is unable to admit or deny, each and every one of the following statements, fully and separately, under oath, within thirty (30) days of service upon you.

Failure to timely respond to these requests for admissions will result in automatic admission of the matters requested. Plaintiff must admit or deny each of the following statements truthfully and within the best of plaintiff's knowledge. Failure to admit for any reason may subject plaintiff to an award of expenses under FED. R. CIV. P. 37.

REQUESTS FOR ADMISSION - 1

C07-0491
3019-028788 187992

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION

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Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885

ORIGINAL

1 Unless otherwise noted, all requests for admissions pertain to the above-captioned
2 matter.

3 **DEFINITIONS**

4 Plaintiff: The term "Plaintiff" means Aaron Claxton, plaintiff in this lawsuit.

5 You or your: The pronoun "you" and the possessive "your" refer to Plaintiff.

6 DATED this 11th day of September, 2007.

7 STAFFORD FREY COOPER

8
9 By: Heather L. Carr
10 Stephen P. Larson, WSBA #4959
Heather L. Carr, WSBA #29780
11 Attorneys for Defendants

12 **VI. REQUESTS FOR ADMISSIONS**

13 1. Your Complaint in part states, "On their way home, Plaintiff and his cousin had
14 just made a left turn off of Lake City Way North onto 135th St. N.E. heading west, then a
15 right on 32nd Avenue and a left onto 143rd St. N.E. heading towards 30th Avenue[.]"
16 Admit that the vehicle you were driving was, at times, exceeding the posted speed limit
17 during that travel.

18 **RESPONSE:**

19
20 2. Your Complaint in part states, "During their approach to 30th Avenue while
21 ascending a slight hill, they slowed down and then stopped behind a car that was
22 waiting at the stop sign at the top of the hill on the corner of 143rd St. N.E. and 30th
23

REQUESTS FOR ADMISSION - 2

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1 Avenue[.]” Admit that the vehicle you were driving failed to stop completely for a stop
2 sign at the intersection of 30th AVE NE and NE 143rd ST.

3 **RESPONSE:**
4

5 3. Admit you were cited by the Seattle Police for a stop sign violation during the
6 August 27, 2006 incident alleged in your Complaint.

7 **RESPONSE:**
8

9 4. Admit you were cited by the Seattle Police for exceeding reasonable speed
10 during the August 27, 2006 incident alleged in your Complaint.

11 **RESPONSE:**
12

13 5. Admit you never contested the citation for a stop sign violation issued during the
14 August 27, 2006 incident alleged in your Complaint.

15 **RESPONSE:**
16

17 6. Admit that you never contested the citation for reasonable speed issued during
18 the August 27, 2006 incident alleged in your Complaint.

19 **RESPONSE:**
20

21 7. In your Complaint you allege you saw four men with guns pointed at you during
22 the August 27, 2006 incident alleged in your Complaint. Admit at least one of these
23 men verbally indicated he was law enforcement.

REQUESTS FOR ADMISSION - 3

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1 **RESPONSE:**

2
3 8. In your Complaint, you allege you saw four Seattle Police officers entering the
4 garage in a straight line. Admit at least one of those men issued oral commands to the
5 effect that you were to stop moving.

6 **RESPONSE:**

7
8 9. Admit that you did not stop as ordered until an officer administered the Taser.

9 **RESPONSE:**

10
11 10. Admit during the August 27, 2006 incident alleged in your complaint, the four
12 men you refer to had identifiable "POLICE," "SEATTLE POLICE," or related markings
13 on or affixed to their clothing.

14 **RESPONSE:**

15
16 11. In paragraph 15 of your Complaint, you state, "Plaintiff immediately turned
17 around and saw four men with guns pointed at him and were running down the driveway
18 entering the garage at which point Plaintiff put his hands in the air and stood completely
19 still as the four men were approaching." Admit that you recognized the approaching
20 individuals as police officers or law enforcement personnel at the time they were
21 running down the driveway.

22 **RESPONSE:**

23
REQUESTS FOR ADMISSION - 4

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12. Admit that you have no medical documentation to support your contention that you were Tasered for a third time on your lower leg by the Seattle Police Officers.

RESPONSE:

13. Admit that after you were Tasered on August 27, 2006, one or all of the Seattle Police Officers inquired whether you were injured and/or whether you required medical attention.

RESPONSE:

14. Admit that after you were Tasered on August 27, 2006, you were given medical treatment by Seattle Fire Department and/or a related government emergency medical service.

RESPONSE:

15. Admit you have no documentation to support the allegations in your Complaint of severe infliction of emotional distress.

RESPONSE:

16. Admit you have no evidence that any of the defendant officers interfered with the prosecutor's judgment with respect to whether to pursue the citations issued on August 27, 2006 against Aaron Claxton.

RESPONSE:

REQUESTS FOR ADMISSION - 5

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VERIFICATION

I, Aaron Claxton, certify and declare under penalty of perjury under the laws of the State of Washington and the United States that I am a plaintiff in this action, and that I have read the foregoing requests for admissions and the answers thereto, know the contents thereof, and believe all the answers to be true.

SIGNED at _____, _____, on this _____ day of

_____, 2007.

Aaron Claxton

REQUESTS FOR ADMISSION - 6

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ATTORNEY'S CR 26 CERTIFICATION

The undersigned attorney certifies, pursuant to Civil Rule 26(g), that he has read each response and objection to these discovery requests, and that, to the best of his knowledge, information, and belief formed after a reasonable inquiry, each is: (1) consistent with the Federal Rules of Civil Procedure and warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation; and (3) not unreasonably or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake.

RESPONSES dated this ____ day of _____, 2007 at _____, Washington.

Law Offices of Lembhard G. Howell, PS

Lembhard G. Howell, WSBA #133
Attorney for Plaintiff

REQUESTS FOR ADMISSION - 7

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Certificate of Service

I certify that on the date noted below I caused to be delivered via the method indicated below a true and correct copy of a document entitled REQUESTS FOR ADMISSION on the following person:

Lembhard G. Howell
Law Offices of Lembhard G. Howell, PS
720 Third Avenue, Suite 2105
Seattle, WA 98104-1830
(206) 623-5296
FAX: (206) 628-6474
Attorneys for Plaintiff Claxton

☐ Via Email
☐ Via Facsimile
☐ Via First Class Mail
☒ Via Messenger

DATED this 12th day of September, 2007, at Seattle, Washington.


Emily Rayborn

REQUESTS FOR ADMISSION - 8

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